HIGH COURT OF UTTARAKHAND AT NAINIATL.

Writ Petition No. 864 (S/S) of 2003

Padam Singh S/o late Sri Guman Singh,
Resident of village Jalangi, P.O. Jalangi,
District Tehri Garhwal. ------ Petitioner.

Vs.

1. State of Uttarakhand through Chief Secretary,
   Govt. of Uttarakhand, Civil Secretariat, Dehradun,
2. Gahwal Jal Sanshtan through
   It's General Manger, Dehradun,
3. Executive Engineer, Anubhag Khand,
   Garhwal Jal Sansthan at New Tehri,
   Tehri Garhwal. -----Respondents.

Sri Vipul Sharma, learned counsel for the petitioner.
Sri H.M. Raturi, learned Standing counsel for the State of Uttarakhand and
Sri Rakesh Thapaliyal, learned counsel for Garhwal Jal Sansthan.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vipul Sharma, learned counsel for the petitioner, Sri H.M. Raturi, learned standing counsel for the State of Uttarakhand, and Sri Rakesh Thapaliyal, learned counsel for Garhwal Jal Sansthan.

This writ petition has been filed by the petitioner for the following reliefs:-

a. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1, 2 & 3 to give all post-retirement benefits such as, pension, gratuity, group insurance, G.P.F. etc. to the petitioner as are applicable to a regular employee in the respondent's Department,

b Issue a writ, order or direction in the nature of mandamus commanding the respondent to give entire arrears of salary on the post of Pump Attendant/

Baildar after re-fixing it from 18.11.1979 along with interest thereon on the basis of 'equal pay for equal work',

c. Issue a writ, order or direction in the nature of mandamus commanding the respondents to give to the petitioner his entire pre-retirement benefits such as, salary as would be applicable to him as a regular employee, including his seniority,

d. Issue any suitable writ, order or direction in the nature of which the petitioner may in law and equity be entitled to,

e. Award the cost of writ petition to the petitioner.

The respondent nos. 2 & 3 have filed their counter affidavit, in which they have taken stand that though the petitioner has worked in the Department for a long period but he was never appointed as a regular employee in the Department. His engagement was purely on Daily Wage basis and till the date of his retirement, i.e. 30.06.2003, he continued as Daily Wager, thus the petitioner is not entitled to get any pensionary benefit.

The petitioner, by filing rejoinder affidavit, has not refuted the rival contentions made in the counter affidavit.

Keeping in view the averments made in the counter affidavit, the petition lacks merit and is liable to be dismissed. Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

April 12, 2007:
NCM: